

REMARKS

Applicant would like to thank the examiner for the careful consideration given the present application. Applicant requests reconsideration of the application under 37 C.F.R. 1.312, because the Examiner's Amendment is not acceptable to applicant.

On February 22, 2002, the Examiner conducted a telephone interview with the Applicant's representative. The Examiner proposed amending claim 33, line 7 by adding --, and parallel to,-- after the phrase "nested in". Initially, the Applicant's representative stated that such a change would probably be acceptable to the Applicant, and the conversation was ended. However, after further consideration and a short time later that same day, the Applicant's representative called the Examiner and stated that the proposed change was not acceptable because it was determined that the change was not in the Applicant's best interest.

However, the Examiner stated that the change had already been submitted and was being processed. He stated that he would attempt to retrieve the file on the following Monday, as there was no way to retrieve it that late on a Friday. The Examiner stated that he needed to discuss this with his supervisor, and would contact Applicant's representative if there were any problems. No such contact occurred, until the notice of allowance, notice of allowability, and the Examiner's Amendment were received by applicant's representative on February 28, 2002.

Applicant requests that the changes implemented by the Examiner's Amendment be withdrawn as being unacceptable to applicant, and prosecution continued on this application. The claims as they stood prior to the Examiner's amendment are attached hereto. It is respectfully submitted that the application, prior to the Examiner's Amendment, was in a condition for allowance and notice to that effect is hereby requested.

The applicant reiterates the assertion that the Examiner has not supported a prima facie case of obviousness for claim 33 in the record. The Examiner has provided no motivation for combining Szapucki with Lawrence. Further, there is no such motivation because Lawrence uses its *side walls* to secure the Lawrence latch in the window frame, and thus there is no need, and no benefit, for adding the *cylinders* 66 of Szapucki. Accordingly, without providing a motivation to combine the references, a prima facie case of obviousness cannot be supported, and thus the rejection of claim 33 under 17 U.S.C. 103 is not proper, and claim 33 is patentable over the references.

If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 29967US1.

Respectfully submitted,
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